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UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

10 BAY AREA PAINTERS AND TAPERS
11 PENSION TRUST FUND, et al.

12 Plaintiffs,
13 v.

14 BARBARA JEAN BANKS, individually and
15 dba B & C PAINTING AND DECORATING,
16 Defendant.

Case No: C13-3136 WHA

**JOINT REQUEST FOR CONTINUANCE
OF CASE MANAGEMENT
CONFERENCE; and ~~PROPOSED~~
ORDER THEREON**

Date: December 5, 2013
Time: 11:00 a.m.
Ctroom: Courtroom 8, 19th Floor
450 Golden Gate Avenue
San Francisco, California
Judge: The Honorable William H. Alsup

18 Plaintiffs and Defendant respectfully request that the Case Management Conference
19 scheduled for December 5, 2013, at 11:00 a.m., be continued for approximately ninety (90) days,
20 as follows:

21 1. As the Court's records will reflect, this action was filed on July 8, 2013 to compel
22 Defendant to comply with Plaintiffs' requested audit of payroll records, in accordance with the
23 terms of its Collective Bargaining Agreement.

24 2. Service was accomplished on Defendant on July 23, 2013 with a subservice
25 mailing done on July 23, 2013.

26 3. A responsive pleading was filed by Defendant and was entered by the Court on
27 August 13, 2013.
28

1 4. Defendant thereafter provided a detailed list of some payments alleged as made
2 after the audit report was published, and which would reduce the amounts claimed due. At the
3 time of the last Case Management Conference held on October 10, 2013, Plaintiffs were awaiting
4 verification from the Trust Funds' administrator of payments alleged as made by Defendant for
5 amounts on the audit report in order to determine the amounts Defendant still owes to Plaintiffs'
6 Trust Funds.

7 5. At the October 10, 2013, Case Management Conference, the Court referred this
8 case to Magistrate Judge Jacqueline Scott Corley for mediation and/or settlement. As the parties
9 are cooperating and working toward a stipulated resolution, the parties filed a Joint Request to
10 Continue the Settlement Conference scheduled for November 25, 2013. The parties' Request was
11 granted and the Settlement Conference has been continued to January 8, 2014.

12 6. After Plaintiffs' auditor reviewed the payments Defendant claimed were included
13 in the audit, the Trust Funds' administrator provided the remaining balance that Defendant owes to
14 Plaintiffs' Trust Funds in the amount of \$29,519.59. On October 29, 2013, Plaintiffs provided
15 Defendant with the revised amount due. Defendant requested additional time to review the
16 revised amount owed.

17 7. Defendant just recently provided missing contribution reports for the months
18 September 2012 and January through August 2013. Plaintiffs' administrator will need to review
19 and possibly adjust the contribution reports to determine the amounts due for the hours worked
20 during that time period.

21 8. Once the parties determine the amount owed by Defendant, Plaintiffs and
22 Defendant will attempt a resolution for all payments due from Defendant by entering into a
23 Judgment Pursuant to Stipulation. Defendant has agreed to do so, stating that her proposal to pay
24 an initial \$6,000.00 toward the amounts owed shall be satisfied by payment this week.

25 9. There are no issues that can or need to be addressed by this Court at the currently
26 scheduled Case Management Conference since the parties are cooperating and working toward a
27 stipulated resolution and the amounts owed are not yet determined.

28

10. In the interest of conserving costs as well as the Court's time and resources, Plaintiffs and Defendant respectfully request that the Court continue the currently scheduled Case Management Conference for approximately ninety (90) days to allow the parties to determine the amount owed by Defendant and to resolve this matter informally.

11. Plaintiffs recognize that a case management conference statement is due seven days in advance of the case management conference date and that the statement must include all elements requested in the "Standing Order for All Judges of the Northern District of California – Contents of Joint Case Management Statement" pursuant to Local Rule 16-9. Should this Court require Plaintiffs to file a Case Management Conference Statement, Plaintiffs will do so promptly.

Dated: November 22, 2013

**SALTZMAN & JOHNSON
LAW CORPORATION**

By: _____/S/
Erica J. Russell
Attorneys for Plaintiffs

Dated: November 22, 2013

**BARBARA JEAN BANKS,
individually and dba B & C
PAINTING AND DECORATING**

By: _____/S/
Barbara Jean Banks
Defendant

IT IS SO ORDERED.

Based on the foregoing, and GOOD CAUSE APPEARING, the currently set Case Management Conference is hereby continued to January 16, 2014, and all related deadlines are extended accordingly.

Date: November 25, 2013

THE HONORABLE WILLIAM A. ALSUP
UNITED STATES DISTRICT COURT

